

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re:

EXDS, Inc. (f/k/a EXODUS
COMMUNICATIONS, INC.), et al.,

Debtor

EXDS, Inc.,

Plaintiff,

v.

DEVCON CONSTRUCTION, INC., et al.,

Defendants.

Case No.: C 05-0787 PVT

**ORDER GRANTING PARTIES' RESPECTIVE
REQUESTS FOR JUDICIAL NOTICE IN
CONNECTION WITH DEFENDANT
DEVCON'S MOTION FOR PARTIAL
SUMMARY JUDGMENT AND PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT (REGARDING AFFIRMATIVE
DEFENSE OF RELEASE AS TO PROJECTS
SC6 AND SC7)**

On February 28, 2005, Plaintiff EXDS, Inc. ("EXDS") filed Requests for Judicial Notice In Support of Plaintiff's Motion for Summary Judgment.¹ On March 28, 2005, Defendant Devcon Construction, Inc. ("Devcon") filed a Request for Judicial Notice in Support Devcon Construction, Inc.'s Motion for Partial Summary Judgment on Devcon's Affirmative Defenses Relating to the

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 Release and Dismissing All Claims Related to Projects SC6 and SC7. On April 12, 2005, Devcon
2 filed its Supplemental Request for Judicial Notice in Support of Devcon Construction, Inc.'s
3 Opposition to EXDS, Inc.'s Motion for Summary Judgment on Devcon's Affirmative Defenses. The
4 court having received no objections to any of the foregoing requests for judicial notice,

5 IT IS HEREBY ORDERED that the above-referenced requests for judicial notice are hereby
6 GRANTED.

7 Dated: 7/25/05

8 /s/ Patricia V. Trumbull
9 PATRICIA V. TRUMBULL
10 United States Magistrate Judge
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